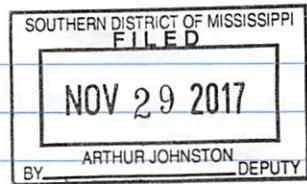


In the United States District Court
For the Southern District of Mississippi:



David G. Atwood II

Plaintiff

v. Case No.

1:17CV332LG-RHW

Harrison County

Harrison County Sheriff's Department

Sheriff Troy Peterson

Warden Hubbard

Quality Correctional Healthcare

Doctor Bates

Nurse Singleton

Nurse Byrd

Nurse Kim

Madison County

Madison County Sheriff's Department

Sheriff Randall Tucker

Major Chuck McNeil

Unknown Doctor at Madison County

Doctor Coulter

Unknown Doctor at Harrison County

Defendants

COMPLAINT

Comes Now, the Plaintiff, David Atwood, pro se, and files this, his Complaint, pursuant to 42 U.S.C. Section 1983, and for cause of action would show unto the Court the following:

Parties:

1. The Plaintiff, David Atwood, is currently incarcerated at the Harrison County Jail, 10451 Larkin Smith Drive, Gulfport, Mississippi, 39503, but is a resident of Vicksburg, Mississippi, and resides at 439 Garden Grove Street, Vicksburg, Mississippi, 39180.

2. The defendants, Harrison County, Harrison County Sheriff's Department, Sheriff Peterson, and

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and Doctor Coulter

Warden Hubbard are all in Gulfport, Mississippi, and can be served process at the Harrison County Sheriff's Department.

3. The Defendants, Quality Correctional Healthcare, Doctor Bates, Nurse Singleton, Nurse Byrd, Nurse Kim, and Unknown Doctor at Madison County, are all civilian contractors who provide medical care to inmates at both Madison and Harrison County Jails. It is unknown who the registered agent is that can accept process for these defendants.

4. The Defendants, Madison County, Madison County Sheriff's Department, Sheriff Randall Tucker, and Major Chuck McNeil are located in Canton, Mississippi, and can be served process at the Madison County Sheriff's Department.

Facts:

5. Atwood was arrested by the U.S. Marshals on a supervised release revocation warrant on 9-19-2017 and incarcerated at the Madison County Jail in Canton, Mississippi.

6. Prior to Atwood's incarceration he had been diagnosed with two serious medical disorders, both requiring extensive medication and treatment. The first medical disorder is one which affects Atwood's immune system and is incurable. At the time of Atwood's incarceration on 9-19-17 he was taking three different medications for this disease. The second disorder, avascular necrosis (AVN) is a bone degenerative disease affecting both of Atwood's hips and his left knee. The cause of Atwood's AVN is idiopathic, or unknown.

7. Atwood has consulted three different orthopedic specialists at Southern Bone and Joint in Hattiesburg, Mississippi; The University of Mississippi Medical Center in Jackson, Mississippi; and Scripps Hospital in San Diego, California. All three doctors have stated that Atwood's left hip is beyond saving and that he is in need of an immediate hip replacement; that Atwood's right hip could possibly be saved but that an immediate surgery be performed, known as bone decompression, bone grafting, and vascular grafting procedure, to save and preserve the integrity of the right hip. Additionally, Atwood's doctors have informed him that apart from surgery he needs emergency, specialized treatment to determine the cause of the AVN and try to find ways to stop or slow the progression, because without intervention the AVN could spread to all the other major joints in Atwood's body, rendering him permanently disabled.

8. On 6-29-2017, one of Atwood's doctors testified in federal court that any ~~delays~~ "delay" could pose serious consequences and that without prompt medical treatment the AVN would cause "permanent disability and ~~disease~~ disuse" (See Document #23-2, Page 40-41, Case No. 3:17-cv-1320, U.S. Dist. Ct. S.D. California).

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9. Atwood's doctor also testified that this was a very serious, painful disease and that Atwood had been prescribed Tramadol for pain and had been given regular joint injections to help control the pain.

10. For over seven years Atwood has been prescribed a specific combination of psychiatric medications for depression, bipolar, anxiety, and post-traumatic stress disorder. This combination of medications included Seroquel (Quetiapine), Trazodone, and Amitriptyline. Three civilian doctors, Seven Federal Bureau of Prisons (BOP), and one Harrison County Jail doctor all have concluded that Atwood suffers from these disorders and that he should be prescribed these medications.

11. When Atwood was taken to Madison County on 9-19-17 the medical department there, Quality Correctional Healthcare (QCHC) told him that even though he brought all of his medications with him under no circumstances would they prescribe anything for pain nor would he be given any of his psych meds. Subsequently, Atwood was not given his Tramadol, Seroquel, Trazodone, or Amitriptyline. This caused him to suffer intense pain, suicidal ideation, depression, mood swings, loss of sleep, panic attacks, and multiple other problems. When Atwood complained and asked for treatment he was ignored and told it was jail policy not to prescribe those psych medications or any pain medication under any circumstances. The jail nurse at one point pointed to a sign on the wall by medical which had the Burger King emblem on it which read something to the effect of "This is not Burger King, You can't have it your way!! Welcome to Medical!"

12. On Friday, 9-22-17, Atwood was transferred to the Harrison County Jail in Gulfport. After speaking to a doctor at Harrison County and reviewing Atwood's medical records, the doctor placed Atwood back on all of his medications except Tramadol. Atwood was told that the jail would not prescribe any pain medications even though Atwood was in constant pain.

13. Within Atwood's first two weeks at Harrison County he met with Dr. Coulter and explained to Dr. Coulter that he had been diagnosed with avascular necrosis in both hips and left knee, was in constant pain, and needed medical treatment. Dr. Coulter accused Atwood of "faking" this disease and refused to treat him. When Atwood informed Dr. Coulter that his medical records from Southern Bone and Joint, UMMC, and Scripps Hospital would confirm this diagnosis, Dr. Coulter summoned a jail guard and had Atwood removed from medical. Subsequently, Atwood never has received treatment for the AVN.

14. On 11-1-2017, Quality Correctional Healthcare assumed control of providing medical care to inmates at the Harrison County Jail.

15. Beginning 11-1-2017 the Harrison County Jail (HCJ) and QCHC arbitrarily suspended

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Atwood's Seroquel, Trazodone, and Amitriptyline and have refused to place Atwood back on it.

16. From 11-1-2017 to 11-16-17 Atwood never saw or spoke with a nurse or doctor about why his medications were arbitrarily suspended. Atwood filed numerous complaints and grievances using the HCJ's online Kiosk grievance process and finally, on Thursday, 11-16-17, Atwood met with Nurse Singleton whom informed Atwood that QCHC removed Atwood from the Seroquel, Trazodone, and Amitriptyline because they were "expensive" medications and were "subject to abuse" by inmates. She stated that it was QCHC policy not to ever prescribe those medications and that a doctor reviewed ^{Atwood's} records before removing him.

17. Nurse Singleton also informed Atwood that a new doctor had prescribed Zyprexa for Atwood as a substitute medicine even though Atwood never spoke to any doctors or consulted with any nursing or medical personnel about being prescribed this new medication. Atwood informed Nurse Singleton that several years prior a BOP had prescribed Zyprexa to Atwood and that the medicine had caused several serious, adverse reactions which led to a heart arrhythmia and a hospitalization. Atwood told Nurse Singleton what hospital he was hospitalized at for the irregular heartbeat but Nurse Singleton did not write the information down. She instead informed Atwood that Zyprexa was the only medication that QCHC prescribed for Atwood's conditions and that he could either take it or not, she "didn't care".

18. Atwood also told Nurse Singleton about the avascular necrosis diagnosis and where his records could be located. Atwood signed a medical release, but was told that because AVN was a rare disease that QCHC could not do anything for him nor would they do anything to treat the pain.

19. When QCHC suspended Atwood's psych medications and refused to treat him for the AVN it greatly exacerbated Atwood's conditions and caused the same symptoms complained about in Paragraph Eleven.

20. Atwood is given his medications for the disorder first referenced in Paragraph Six through nurses whom conduct "pill-line". On several occasions, Nurse Byrd has failed to remember to bring Atwood his medications claiming she "forgot". On one specific occasions Nurse Byrd told Atwood that she didn't have time to go back and get his meds because she had a "Salad" waiting on her and she was hungry. Subsequently, Atwood went without his medications numerous times.

21. On Wednesday, 11-9-17, Atwood was returned to Madison County Jail at approximately 11:30am. Even though the medical staff knew Atwood took life-sustaining medications he was not seen by medical until approximately 11:30am. Atwood voiced concerns about missing his morning and

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evening medications but was told by the night nurse that he could not get his medications until he was seen by a doctor who could approve them. Atwood was never seen by a doctor during his stay.

22. While at Madison County Atwood was held in solitary confinement for his protection against staff members because during a previous incarceration at Madison County Atwood had been repeatedly sexually assaulted by a deputy named Ben Blaine. Atwood was held in solitary confinement without access to a running shower, a working telephone, a television, outdoor recreation, a law library, or any hygiene from his property.

23. Because Atwood has either been not given his medications altogether, or been given them in an inconsistent manner, he has been in pain, suffered from depression, bipolar, mood swings, insomnia, panic attacks, loss of appetite, and numerous other problems, including opportunistic infections. Without immediate medical treatment for the avascular necrosis Atwood is at risk of becoming permanently disabled and without surgery for the right hip the hip is at risk of collapsing and losing further use.

Relief Requested:

1. Compensatory damages in an amount to be determined;
2. Punitive damages in the amount of ten million dollars (\$10,000,000.00);
3. Injunctive relief to obtain surgery and treatment for Atwood;
4. Any and all other appropriate relief.

Respectfully Submitted,
David G. Atwood
11-16-17

David G. Atwood, #410631
Harrison County Jail
10451 Larkin Smith Dr.
Gulfport, MS 39503